REMARKS

This Amendment is filed in response to the final Office action mailed on April 21, 2005 (the "Office Action"). The Office Action rejected all of pending claims 1-54. Reconsideration and allowance of the pending claims is respectfully requested.

SECOND REQUEST FOR REVIEW OF INFORMATION DISCLOSURE STATEMENTS

On February 4, 2003, the Applicants submitted four Information Disclosure Statements (IDSs) in this application through the Patent Office's electronic filing system. The Applicants requested review of these references in the previous Amendment dated December 22, 2004, but have still not received confirmation that these references have been reviewed. Copies of the IDSs are attached hereto as Attachment A. As such, the Applicants once again respectfully request prompt consideration of the references cited in these IDSs, and written confirmation thereof, as specified in M.P.E.P. § 609.

AMENDMENTS TO THE CLAIMS

Claim 1 has been amended to recite the step of "providing discriminated partner system resources to said user, said discriminated partner system resources being selected according to a preexisting association between the host system and the partner system, and a preexisting association between the user and the partner system." Claim 28 has been amended in a similar manner, and dependent claims 10, 11, 37 and 38 have been amended to conform with this language. Support for these amendments is found in the specification at, for example: page 8, lines 5-8 (partner system resources branded to appear to be provided by the host system); and page 12, lines 14-16 (identifying partner resources associated with a user for transmittal).

Claims 10, 11, 37 and 38 have been amended to change "credit card account number" to -- financial account data --. Support for this amendment is found, for example, in the specification at page 13, lines 12-20 (discriminated resources including user's financial account data). In addition, claim 10 has been amended to recite that the step of "providing discriminated partner system resources to said user" further comprises "selecting, based at least in part on said financial account data, a

discriminated web page identified with said host system." Claim 37 has been amended in a similar fashion. Support for these amendments is found in the specification at page 12, line 14 to page 13, line 20, as well as in original claims 10 and 37.

Claim 13 has been amended to recite that the step of modifying the partner system resources to be discriminated partner system resources includes "providing said discriminated partner system resources to said user." Claim 40 has been similarly amended. Support for this amendment is found in the specification at page 14, lines 15-16 and in the preamble of original claims 13 and 40.

No new matter is added by these amendments.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-54 stand rejected as allegedly being anticipated under 35 U.S.C. § 102(b) by Messer (U.S. Pat. No. 5,991,740). The Applicants respectfully traverse the rejection and request reconsideration and allowance of all of the pending claims.

The Messer patent discloses a system for paying commissions for sales referrals through banner ads on internet websites. *See* Messer, col. 4, ll. 47-59. This system includes three main entities that each operate their own servers: a site owner, a merchant, and a clearinghouse. The clearinghouse serves two main functions. First, it provides a meeting place where the site owners and merchants can establish advertising arrangements in which the site owners advertise the merchants' websites or goods on the site owners' websites. *Id.* at col. 6, l. 15 - col. 8, l. 30. Second, the clearinghouse tracks the use of the advertisements by system browsers (called "USERS" in Messer), to determine whether the users select the merchants' advertisements and whether they ultimately purchase goods from the merchant, in order to credit site owners for referrals that result in sales. *Id.* at col. 8, l. 44 - col. 9, l. 42.

Claims 1-12 & 28-39

Amended claims 1 and 28 (and claims depending therefrom) require a system that identifies a user, and provides discriminated partner system resources to a user.

The discriminated partner system resources are selected according to a preexisting association between the host system and the partner system, and a preexisting association between the user and the partner system. As is clear from the present disclosure, the partner system resources that are "associated" with the user refer to resources that were previously developed from a *preexisting* relationship between the entities. For example, the application provides an example in which a user is on a host system and wishes to check his credit account with a partner system by accessing a link to the partner system from the host system. *See* Specification, p. 11, ll. 1-16. This example specifically contemplates a preexisting relationship between the user and the partner, namely, the existence of a user account with the partner. When the user accesses the link to the partner system, the partner system identifies the user and "the particular partner system resources associated with that user for transmittal [to the user]." *Id.*, p. 12, ll. 14-16. An example of such resources is a "host-specific web page with a user's financial information." *Id.*, p. 13, ll. 18-20. Again, this example shows a partner system's possession of the user's financial information, which demonstrates a preexisting relationship between the partner and the user. In accordance with this disclosure, Claims 1 and 28 have been amended to clarify that the partner system resources that are given to the user are based on "a preexisting association between the host system and the partner system, and a preexisting association between the user and the partner system."

The Examiner alleges that Messer discloses the feature of "identifying discriminated partner system resources associated with said host system and with said user" at column 4, lines 47-55, and column 5, lines 18-27. Office Action, ¶ 12. The Examiner also argues that Messer anticipates this feature in its disclosures regarding: a cookie being placed on the user's hard disk memory during access to a promotional link (col. 3, ll. 58-61); the use of tagging information (col 3. ll. 54-57); and tracking transactions between merchant and customers (col. 3, ll. 8-11). Office Action, ¶ 31. However, amended claims 1 and 28 distinguish over Messer because Messer fails to

disclose a system that displays partner resources based on a *preexisting* association between the user and the partner system.

Even prior to the present amendments to the claims, Messer failed to anticipate claims 1 and 28. As the Applicants previously explained, Messer does not provide any disclosure or suggestion for the host system to identify resources that are *associated with the user*. When a Messer system "USER" accesses a promotional link, the "partner" system (the operator of the website to which the promotional link leads), simply displays a set of predetermined information associated with the promotional link. Each and every user that accesses the promotional link will receive *the same information*. Messer does not teach or reasonably suggest considering the identity of the particular user when determining what information to display to the user. As such, Messer fails to teach or suggest "identifying discriminated partner system resources associated...with said user."

This distinction is even more clear in amended claims 1 and 28, which require the partner system to "provid[e] discriminated partner system resources to said user, said discriminated partner system resources being selected according to a preexisting association between the host system and the partner system, and a preexisting association between the user and the partner system." There are at least two points of distinction. First, Messer still fails to disclose any sort of selection process in which the partner decides which resources to send to the user based on the user's identity, or any other kind of association with the user. Even if a cookie is placed on the user's computer, the partner system does not use this alleged "association" when determining what resources to display to the user — instead Messer's partner system will display the *same* information to each and every user that accesses the promotional link. As such, Messer can not be said to anticipate a system that determines what resources to display to a user based on the particular user's entity. The second distinction between amended claims 1 and 28 and Messer is that Messer fails to disclose any *preexisting* relationship between the user and the partner system, such as required by the present

claims. The most that can be said is that Messer creates some sort of association between the user and the partner system *during* the process when it places a cookie on the user's computer, but this fails to anticipate the user of a *preexisting* association as discussed in the present specification and now recited in claims 1 and 28.

In view of the foregoing, the Applicants submit that claims 1 and 28, and claims 2-12 and 29-39 depending therefrom, are not anticipated or rendered obvious by Messer, and reconsideration and allowance of these claims is respectfully requested.

Claims 13-27 & 40-54

Amended claims 13 and 40 (and the claims depending therefrom) recite a method and system for receiving a request to access partner system resources, determining whether the partner system resources are discriminated, and, if not, modifying the partner system resources to be discriminated. An example of this modifying step is described in the specification at page 13, line 21 to page 14, line 14, where it is explained that "the partner system 114 identifies graphical information regarding the host system's web page and recreates this information when transmitting the partner system resources, providing the appearance, to the user, that the discriminated resources originated from the host system 110." Messer fails to describe or illustrate this claimed feature of the invention.

In rejecting independent claims 13 and 40, the Examiner restated the previous allegation that Messer discloses the step of "modifying said partner system resources to be discriminated partner system resources if it is determined that said partner system resources are not discriminated," and cited to column 4, lines 47-55, column 5, lines 18-27 for this proposition. Office Action, ¶ 15. As explained before, these citations to Messer fail to support the rejection. The citation to col. 5, ll. 47-55, merely states that site owners can place merchants' banner ads on their websites that users can use to access the merchant websites. The citation to col. 5, ll. 18-27 describes presenting a banner ad to a user and then placing a "cookie" on the user's system if the user uses the banner ad to link to the associated merchant's system. Neither of these citations teaches or

reasonably suggests determining, in response to a request to access partner system resources, whether the partner resources are discriminated, then modifying them if they are not.

In apparent recognition that the previous citations do not support the rejection, in the present Office Action the Examiner now further alleges that:

> Messer discloses users that access the banner ads are transferred to Merchant's web page, via the embedded link and may be presented with the ability to make a purchase directly from the Merchant ... Messer discloses that the invention modifies the process and allows a portion of the sale made by the Merchant as a credit to the Site Owner (see col. 4, lines 55-57).

Office Action, ¶ 32. The premise of the Examiner's rejection appears to be Messer's statement that "The [Messer] invention *modifies this process* and allows a portion of the successful sale made by the Merchant as a credit to the Site Owner."

This citation also fails to support the rejection of the claimed steps of "determining, in response to said request, whether said partner system resources are discriminated; and modifying said partner system resources to be discriminated partner system resources if it is determined that said partner system resources are not discriminated." In fact, the "this" in Messer's statement that it "modifies *this* process" is actually referring to the established process of raising revenue by placing banner ads on the Site Owner's websites to promote third party's goods or services. Messer, col. 4, ll. 47-59. As part of this modification, Messer allows a portion of a sale to be credited to the Site Owner that hosted the banner link that was used to facilitate the purchase. *Id.* As such, this portion of Messer describes crediting a Site Owner for hosting a promotional link, and does *not* anticipate method and system steps for modifying partner system resources to be discriminated partner system resources, as required by the present invention.

In view of the foregoing, it is clear that Messer fails to disclose the steps of (1) *determining, in response to a request to access partner resources,* whether a partner

system resource is discriminated (i.e., supplemented, modified, filtered or otherwise selectively retrieved in a way to support or bolster the business relationship between the host, the partner, the user or all three — *see* Specification p. 7, l. 20 - p. 8, l. 8), then (2) *modifying* the resource if it is found to not be discriminated. In fact, it is not clear that Messer even anticipates the generation of "discriminated" resources under *any* circumstances.

In view of Messer's failure to teach the "determining" and "modifying" steps of claim 13, or the corresponding instructions of claim 40, claims 13 and 40, and claims 14-27 and 41-54 depending therefrom, are not anticipated or rendered obvious by Messer. As such, reconsideration and allowance of these claims is respectfully requested.

While the Applicants believe the foregoing distinctions of the independent claims are sufficient to demonstrate the patentability of all of the claims, various rejections of dependent claims bear further specific comments, which are set forth below.

Claims 9, 21, 36 and 48

With regard to claims 9, 21, 36, and 48, the Examiner alleges that Messer illustrates the feature of user data comprising authentication data provided by a single sign on authentication system based on Messer's disclosures at column 5, lines 18-27 and column 8, lines 52-67. Office Action, ¶¶ 11 & 23. However, the cited portion of Messer merely states that the user's identity is stored by the clearinghouse, and *nothing more*. This citation (and the rest of Messer) fail to disclose anything like a "single sign on authentication system," which is a term or art for a system that *verifies* the user's identity in a single step, and passes this verification on to subsequent requestors, as explained in the present specification. *See* Specification, p. 12, l. 14 to p. 13 l. 11. The citation to Messer says nothing about verifying the user's identity and using a single verification result for subsequent verification queries — it simply states that the identity of the user is somehow recorded (perhaps by recording the cookie placed on the user's system).

In further support of this rejection, the Examiner now argues that "Messer discloses that the user will access the network, via the modem connection, and use the browser to access certain banner links (see col. 5, lines 34-47, col. 8, lines 44-67)." Office Action ¶ 33. However, this citation again says nothing about using a "single sign on authentication system" to obtain access to secure resources. The "certain banner links" referred to in Messer are not described as being secure links that require authentication to access them. In fact, it appears that these links are *totally unsecure,* and thus there is no requirement to pass on authentication information to the host of the promotional links in order to obtain access to them, as would be required by the claimed "single sign on authentication system." *See* Specification, p. 12, l. 14 to p. 13 l. 11. The fact that Messer discloses access to multiple websites does not amount to a disclosure of the use of a single sign on authentication system, which requires verified access to all of the websites. Therefore this citation can not support the Examiner's allegation that Messer discloses the use of a single sign on authentication system, as required by claims 9, 21, 36 and 48.

For at least the foregoing additional reasons, the Applicants respectfully request reconsideration and allowance of claims 9, 21, 36, and 48.

Claims 10 and 37

Claims 10 and 37 have been amended to change "credit card account number" to -- financial account data --, to more fully capture the scope of the invention.

The Examiner rejected these claims, alleging that column 4, lines 60-65 disclose that Messer identifies the user's credit card account number and selects a discriminated web page identified with the host system from a plurality of discriminated web pages. To begin with, it should be noted that steps and instructions recited in claims 10 and 37 ((i) identifying the users financial account data and (ii) selecting, based on this data, a discriminated web page) are performed as *part of* the step of "providing discriminated partner system resources to said user, said discriminated partner system resources being selected according to a preexisting association between the host system and the

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partner system, and a preexisting association between the user and the partner system."
This point has been clarified by amending these claims to specifically state that the step
of selecting the discriminated web page identified with the host system is based, at least
in part, on the user's financial account data. This is described in the specification at
page 13, lines 12-20, where the application describes discriminated partner resources
comprising financial account data for a particular user.

Although the cited portion of Messer states that a secured transaction may be
used to *purchase* goods, Messer says nothing about identifying a user's financial account
data as *part of the process of selecting a discriminated web page* or for "providing
discriminated partner system resources to said user," as required by the claims. As
explained before, when a user of the Messer system accesses a site owner's web page,
the user will be presented with ad banners that are selected based *solely* on a
predetermined agreement between the site owner and the merchants. When a user
accesses one of these ad banners, the information that is transmitted to the user is *not
based, in any way, on identifying the user's financial account data*. In fact, the only
way Messer could be modified to satisfy this limitation would be for the user to actually
give his or her financial account data *when the user accesses the link*, which is not
shown in Messer. Furthermore, even if such an unobvious modification were made, it
would still fail to teach that the partner system resources would then be selected *based
on* the financial account data itself. This claimed feature clearly is not described in
Messer, which only contemplates a user accessing the ad banner and *then* providing his
or her credit card number *after* receiving the information and deciding that he or she
wishes to make a purchase. The fact that Messer discloses a user giving his or her credit
card number does not amount to a disclosure that the system will use the user's
financial account data as part of the process of selecting a particular discriminated web
page to send to the user.

Messer also fails to describe having a plurality of discriminated web pages and
selecting one of these based on an association with the host and the user. Messer

simply suggest that information will be provided when the user accesses the link, but does not teach or disclose that the information that is provided will be selected from a plurality of discriminated web pages.

For at least these additional reasons, the Applicants respectfully request reconsideration and allowance of claims 10 and 37.

Claims 11 and 38

Claims 11 and 38 have also been amended to change "credit card account number" to -- financial account data --, to more fully capture the scope of the invention.

In rejecting these claims, the Examiner also alleges that Messer at col. 4, lines 60-65, teaches the steps in claims 11 and 38 of identifying the user's credit card account number and creating discriminated partner system resources identified with the host system. Office Action, ¶ 13. Again the Applicants point out that these steps are performed as parts of the step of "identifying discriminated partner system resources associated with the host system and the with said user," and, as explained immediately above, Messer says nothing about selecting what resources to show to a user *based on the user's financial account data*.

Furthermore, Messer completely fails to disclose *creating discriminated partner system resources* as part of the "identifying partner system resources" step. Instead, Messer only discloses having *pre-determined* ad banners that are shown to *all* users, *regardless of their financial account data*.

For at least the foregoing additional reasons, the Applicants respectfully request reconsideration and allowance of claims 11 and 38.

Claims 12 and 39

Messer also fails to disclose or reasonably suggest the various features of claims 12 and 39: identifying graphical information used by the host system; replicating the graphical information; classifying the host system; identifying non-conflicting partner system resources that do not conflict with the host system's classification; and

incorporating these into a standard partner system resource to create a discriminated partner system resource. All that Messer teaches about providing partner resources is that the site owner and merchant use the clearinghouse to determine, *prior to any interaction with the users*, which banner advertisements the site owners will display on their web sites. While Messer discloses that the site owner and merchant can co-brand their products (*see* Messer, col. 9, l. 64 - col. 10, l. 5), Messer says absolutely *nothing* about performing the steps of claims 12 and 39 *based on the identity of the user*, as required by the claims from which claims 12 and 39 depend. The rejection of claims 24 and 51 is similarly deficient.

For at least the foregoing additional reasons, the Applicants respectfully request reconsideration and allowance of claims 12, 24, 39 and 51.

CONCLUSION

The pending claims are believed to overcome the reference cited in the Office Action, and reconsideration and allowance thereof are respectfully requested. If the Examiner believes that prosecution might be advanced by discussing the application with Applicants' counsel, in person or by telephone, we would welcome the opportunity to do so.

Respectfully submitted,
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Dated: July 8, 2005

Attachment A

Copies of Information Disclosure Statements filed on February 4, 2004

Acknowledgment Receipt

SUBMISSION TYPE: **Information Disclosure Statement**
APPLICATION NUMBER: **09902612**
FIRST NAMED INVENTOR: **Theodore Bowers**
TITLE OF INVENTION: **System and method for providing discriminated**
 content to network users
ATTORNEY DOCKET NUMBER: **47004.000097**

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DIGITAL CERTIFICATE HOLDER NAME: **cn=Herbert V. Kerner, ou=Registered Attorneys**
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Electronic Information Disclosure Statement

System and method for providing discriminated content to network users

Application: *09/902612*

09/902612

Confirmation: 1294

Applicant(s): Theodore Bowers

Docket Number: 47004.000097

Group Art Unit:

Examiner:

search string: (3938091 or 4321672 or 4567359 or 4725719 or 4823264 or 4882675 or 4964043 or 4992940 or 5050207 or 5084816 or 5157717 or 5220501 or 5265033 or 5321841 or 5351186 or 5420405 or 5424938 or 5446740 or 5473143 or 5485370 or 5511117 or 5532920 or 5537314 or 5537473 or 5544086 or 5557518 or 5568489 or 5570465 or 5590197 or 5598557 or 5606496 or 5621789 or 5625767 or 5634101 or 5644493 or 5652786 or 5653914 or 5657383 or 5659165 or 5664115 or 5684870 or 5710887 or 5710889 or 5727163 or 5754840 or 5758328 or 5761661 or 5761647 or 5774122 or 5778178).pn.

US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Citation No.	Patent Number	Date	Bar Code	Patentee	Class	Subclass
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Remarks

(Remarks are not for responding to an office action.)

This electronic submission of references is submitted as part of a single Information Disclosure Statement which includes: 1) this EFS of U.S. patent references; and 2) a corresponding submission of non-patent references submitted using PTO Form 1449. The payment for this single Information Disclosure Statement is included with the PTO Form 1449 separately submitted. Accordingly, no additional charges should be due for this EFS submission.

Signature

Examiner Name	Date

Acknowledgment Receipt

SUBMISSION TYPE: Information Disclosure Statement
APPLICATION NUMBER: 09902612
FIRST NAMED INVENTOR: Theodore Bowers
TITLE OF INVENTION: System and method for providing discriminating
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ATTORNEY DOCKET NUMBER: 47004.000097

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Electronic Information Disclosure Statement

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US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Citation No.	Patent Number	Date	Bar Code	Patentee	Class	Subclass
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	P26	5884288	1999-03-16	*5884288*	Chang
	P27	5889863	1999-03-30	*5889863*	Weber
	P28	5903881	1999-05-11	*5903881*	Schrader
	P29	5918217	1999-06-29	*5918217*	Maggioncalda
	P30	5926812	1999-07-20	*5926812*	Hilsenrath
	P31	5918214	1999-07-29	*5918214*	Perkowski
	P32	5933823	1999-08-03	*5933823*	Cullen

	P33	5940812	1999-08-17	*5940812*	Tengel
	P34	5933827	1999-09-03	*5933827*	Cole
	P35	5933816	1999-09-03	*5933816*	Zeanah
	P36	5952641	1999-09-14	*5952641*	Korshun
	P37	5963953	1999-10-05	*5963953*	Cram
	P38	5970482	1999-10-19	*5970482*	Pham
	P39	5982370	1999-11-09	*5982370*	Kamper
	P40	5991780	1999-11-23	*5991780*	Rivette
	P41	5995948	1999-11-30	*5995948*	Whitford
	P42	5999907	1999-12-07	*5999907*	Donner
	P43	6018714	2000-01-25	*6018714*	Risen
	P44	4633397	1986-12-30	*4633397*	Macco
	P45	4695880	1987-09-22	*4695880*	Johnson
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Remarks

(Remarks are not for responding to an office action.)

This Information Disclosure Statement and the one submitted prior (2/4/03- EFS ID 22760) to this is believed to be submitted before the mailing of a First Office Action. Accordingly, no fees are due. However, if any fees are incurred upon the filing of this Information Disclosure Statement and the one submitted prior (2/4/03- EFS ID 22760) to this, you are authorized to charge the undersigned's Deposit Account No 50-0206.

Signature

Examiner Name	Date

Acknowledgment Receipt

SUBMISSION TYPE: Information Disclosure Statement
APPLICATION NUMBER: 09902612
FIRST NAMED INVENTOR: Theodore Bowers
TITLE OF INVENTION: System and method for providing discriminated
 content to network users
ATTORNEY DOCKET NUMBER: 47004.000097

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Electronic Information Disclosure Statement

System and method for providing discriminated content to network users

Application: ***09/902612***

09/902612

Confirmation: 1294

Applicant(s): Theodore Bowers

Docket Number: 47004.000097

Group Art Unit:

Examiner:

search string: (5638457 or 5675662 or 5734838 or 5784562 or 5790785 or 5794259 or 5796395 or 5815657 or 5845260 or 5892900 or 5898780 or 5914472 or 5915244 or 5918239 or 5933817 or 5953710 or 5958007 or 5960411 or 5963952 or 5969318 or 5991751 or 6005939 or 6012088 or 6014636 or 6014638 or 6026429 or 6032147 or 6049835 or 6055637 or 6061665 or 6064987 or 6088700 or 6098070 or 6112181 or 6131810 or 6134549 or 6144948 or 6148293 or 6185242 or 6189029 or 6195644 or 6201948 or 6170011 or 4696491 or 5317683 or 6088683 or 5016270 or 6081810 or 5412708 or 5467269 or 20010054003 or 20020010599).pn.

US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Citation No.	Patent Number	Date	Bar Code	Patentee	Class	Subclass
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	P02	5675662	1997-10-07	*5675662*	Deaton		
	P03	5734838	1998-03-31	*5734838*	Robinson		

	P04	5784562	1998-07-21	*5784562*	Diener
	P05	5790785	1998-08-04	*5790785*	Klug
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	P08	5815657	1998-09-29	*5815657*	Williams
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	P14	5918239	1999-06-29	*5918239*	Allen
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	P24	6014636	2000-01-11	*6014636*	Reeder
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Published Applications

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Citation No.	Patent Number	Date	Bar Code	Patentee	Class	Subclass
	U01	20010054003	2001-12-20	*20010054003*	Chien		
	U02	20020010599	2002-01-24	*20020010599*	Levison		

Signature

Examiner Name	Date

Acknowledgment Receipt

SUBMISSION TYPE: **Information Disclosure Statement**
APPLICATION NUMBER: **09902612**
FIRST NAMED INVENTOR: **Theodore Bowers**
TITLE OF INVENTION: **System and method for providing discriminated**
 content to network users
ATTORNEY DOCKET NUMBER: **47004.000097**

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Electronic Information Disclosure Statement

System and method for providing discriminated content to network users

09/902612

Application:	09/902612
Confirmation:	1294
Applicant(s):	Theodore Bowers
Docket Number:	47004.000097
Group Art Unit:	
Examiner:	
search string:	(5740231 or 5450537).pn.

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Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Citation No.	Patent Number	Date	Bar Code	Patentee	Class	Subclass
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	P02	5450537	1995-09-12	*5450537*	Hirai		

Signature

Examiner Name	Date